

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

LARRY LEE SEABURG,

Petitioner,

v.

ORDER

Civil File No. 06-324 (MJD/AJB)

ROBERT E. McFADDEN, Warden,
Federal Prison Camp Yankton,
South Dakota,

Respondent.

Larry Lee Seaburg, pro se.

James E. Lackner, Assistant United States Attorney, Counsel for Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated February 2, 2006. Petitioner Larry Lee Seaburg filed multiple objections to the Report and Recommendation. Seaburg objects that the Magistrate Judge erroneously interpreted his petition as a request for habeas relief under Section 2241, instead of as a request for coram nobis relief. As explained in the Report and Recommendation, the Court has previously determined that Seaburg is

ineligible for coram nobis relief; Seaburg cannot use the writ of coram nobis “to circumvent the clear congressional directive embodied in the ‘second or successive’ provisions of § 2255;” United States v. Noske, 235 F.3d 405, 406 (8th Cir. 2000) (per curiam) (citation omitted); and Seaburg is barred from filing a successive Section 2255 claim before the District Court.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review the Court adopts the Report and Recommendation dated February 2, 2006.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Magistrate Judge’s Report and Recommendation dated February 2, 2006, [Docket No. 7] is hereby **ADOPTED**.
2. Petitioner’s “Motion to Vacate and Set Aside Judgment and to Expunge the Record in Nature of Corum Nobis” [Docket No. 1] is **DENIED**.
3. Petitioner’s “Motion for Hearing Seeking the Truth” [Docket No. 2] is **DENIED**.
4. Petitioner’s “Motion for a Hearing to Obtain Court Records Invoking Federal Appellate Rules of Procedure 10e” [Docket No. 3] is **DENIED**.
5. Petitioner’s “Motion for Expedited Appointment of Counsel” [Docket No. 4] is **DENIED**.

6. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 [Docket No. 5] is **DISMISSED** for lack of jurisdiction.

Dated: March 22, 2006

s / Michael J. Davis
Judge Michael J. Davis
United States District Court